

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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JUDITH P. BROACH as the Court-Appointed  
Independent Fiduciary of the EXHIBITION  
EMPLOYEES LOCAL 829 I.A.T.S.E. PENSION AND  
ANNUITY FUNDS, EXHIBITION EMPLOYEES  
LOCAL 829 I.A.T.S.E. PENSION FUND and  
EXHIBITION EMPLOYEES LOCAL 829 I.A.T.S.E.  
ANNUITY FUND,

Plaintiffs,

-v-

METROPOLITAN EXPOSITION SERVICES, INC.,

Defendant.

20-cv-0165 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

In its July 10, 2020 Opinion & Order, the Court directed Plaintiff to file a supplemental declaration specifying the basis for the calculations of prejudgment interest and liquidated damages within twenty-one (21) days. Dkt. No. 24. The Court granted two extensions of time, Dkt. Nos. 25-28, and Plaintiff submitted such declaration on August 14, 2020, Dkt. No. 29.

In that declaration, Plaintiff's counsel revealed that, contrary to its initial representation that prejudgment interest and liquidated damages were calculated using the 6% annual interest rate required by the Collective Bargaining Agreement, the requested amounts of prejudgment interest and liquidated damages had actually been calculated using a monthly 1% interest rate as provided by the Funds' "Delinquency and Payroll Audit Procedure." That procedure was neither referenced in the Complaint nor in Plaintiff's motion for default judgment and accompanying

papers. In acknowledgement of this discrepancy, Plaintiff agrees to seek prejudgment interest and liquidated damages based on the lower 6% annual interest rate, through August 12, 2020.

Plaintiff's counsel now requests additional attorneys' fees in the amount of \$2,520.50 based on the time spent between the filing of Plaintiff's declaration on June 11, 2020, Dkt. No. 23, and its new declaration on August 14, 2020, Dkt. No. 29. The attorneys' fees are based on 8.4 attorney hours and 0.5 paralegal hours, which include 1.3 hours spent preparing the June 11, 2020 supplemental declaration, 2.3 hours reviewing the July 10, 2020 Opinion & Order, 5.4 hours preparing the supplemental declaration and accompanying documents, and 0.5 hours in paralegal work, with a reduction of 0.6 hours to reflect time spent exclusively addressing the revised assessments.

It is hereby ORDERED that Plaintiff's counsel is directed to file a letter indicating why the Court should award the additional attorneys' fees of \$2,520.50 when such time was spent to address an error identified in the first instance by the Court. Plaintiff's counsel shall submit such letter by August 28, 2020.

SO ORDERED.

Dated: August 21, 2020  
New York, New York



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LEWIS J. LIMAN  
United States District Judge